

FILED

UNITED STATES COURT OF APPEALS

SEP 02 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CORNELE A. OVERSTREET, Regional
Director of the Twenty-Eighth Region of
the National Labor Relations Board,

Petitioner-Appellee,

v.

SHAMROCK FOODS COMPANY,

Respondent-Appellant.

No. 16-15172

D.C. No. 2:15-cv-01785-DJH

District of Arizona,

Phoenix

ORDER

The parties are requested to address at oral argument whether the National Labor Relations Board's exclusive discretion over whether to abandon an unfair labor practice proceeding once instituted precludes mootness of the portions of the Regional Director's petition related to Thomas Wallace's discharge. *See N.L.R.B. v. Int'l Bhd. of Elec. Workers, Local Union 112, AFL-CIO*, 992 F.2d 990, 992 (9th Cir. 1993); *Independent Stave Co.*, 287 NLRB 740, 741 (1987).

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Omar Cubillos
Deputy Clerk